

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DATE FILED: 9/10/12

THE CITY OF NEW YORK,

Plaintiff,

12 Civ. 4838 (JMF)

-v-

ORDER

ROBERT GORDON, ET AL.,

Defendants.

JESSE M. FURMAN, United States District Judge:

On September 7, 2012, Defendants filed two motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by **September 28, 2012**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motions to dismiss. If plaintiff does amend, by three (3) weeks after the amended complaint is filed, defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss. If a defendant files an answer or a new motion to dismiss, the Court will deny the previously-filed motion to dismiss as moot.

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by **September 28, 2012**. Defendant's reply, if any, shall be served by **October 5, 2012**. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the United States Courthouse, 500 Pearl Street, New York, New York.

Finally, it is further ORDERED that the initial pretrial conference scheduled for September 12, 2012 is adjourned *sine die*.

SO ORDERED.

Dated: New York, New York  
September 10, 2012

  
JESSE M. FURMAN  
United States District Judge